



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 01/12/2004 (Per: ARG)



☞ The 2003 drafting file for LRB 03-3520/1

has been copied/added to the 2003 drafting file for

# LRB 03-4022

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

**2003 DRAFTING REQUEST****Bill**

Received: 10/20/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: Transportation

By/Representing: Paul Nilsen

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - miscellaneous

Extra Copies: TNF, PJH, RJM

Submit via email: YES

Requester's email: Paul.Nilsen@dot.state.wi.us

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

DMV vehicle computer system redesign; certificates of title and national guard special plates

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	agary 11/03/2003	wjackson 11/13/2003 wjackson 11/17/2003	rschluet 11/18/2003		sbasford 11/18/2003		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 01/09/2004	wjackson 01/09/2004 wjackson 01/09/2004	jfrantze 01/09/2004	_____	sbasford 01/09/2004	sbasford 01/09/2004 sbasford 01/09/2004 sbasford 01/09/2004	

FE Sent For:

<END>

**2003 DRAFTING REQUEST****Bill**

Received: 10/20/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: Transportation

By/Representing: Paul Nilsen

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - miscellaneous

Extra Copies: TNF, PJH, RJM

Submit via email: YES

Requester's email: Paul.Nilsen@dot.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

DMV vehicle computer system redesign; certificates of title and national guard special plates

Instructions:

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	agary 11/03/2003	wjackson 11/13/2003	rschluet 11/18/2003		sbasford 11/18/2003		
		wjackson 11/17/2003					

11/19/03 11/19/03 11/19/03 11/19/03 11/19/03 11/19/03 11/19/03 11/19/03

11/18/2003 10:27:23 AM

Page 2

**LRB-3520**

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: 10/20/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: Transportation

By/Representing: Paul Nilsen

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - miscellaneous

Extra Copies: TNF, PJH, RJM

Submit via email: YES

Requester's email: Paul.Nilsen@dot.state.wi.us

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

DMV vehicle computer system redesign; certificates of title and national guard special plates

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	agary	/pl WLj 11/17					State

FE Sent For:

11/17/03  
<END>

**Gary, Aaron**

---

**From:** Buckmaster, Carol  
**Sent:** Thursday, October 16, 2003 2:46 PM  
**To:** Gary, Aaron  
**Cc:** Nilsen, Paul; Frazier, Carson  
**Subject:** Remedial Legislation - Drafting Request



remedial

leg\_cleanup redesign ...

**WISCONSIN DEPARTMENT OF TRANSPORTATION  
LEGISLATIVE PROPOSAL FORM  
REMEDIAL LEGISLATION**

SHORT TITLE OF ISSUE: Clean-up language for vehicle system redesign

DIVISION(S): Motor Vehicles, Bureau of Vehicle Services	DIVISION ADMINISTRATORS' SIGNA- TURES:
DATE: August 14, 2002	
OPB CONTACT PERSON: Karen Baetsen	TELEPHONE #:266-0179
LEAD DIVISION CONTACT PERSON: Carson P. Frazier	TELEPHONE #:266-7857
OGC CONTACT PERSON: Joe Maassen	TELEPHONE #:266-7364

**DEFINE PROBLEM PRECISELY**

Several statutory references in motor vehicle statutes, which were written to correspond to DMV's legacy registration system, will be obsolete with implementation of DMV's redesigned vehicle registration system. These provisions should be changed to reflect current environment, and avoid confusion.

**PROPOSED SOLUTION**

- ↘ (1) S.342.10(4) requires that if a vehicle comes from a state in which a lienholder is NOT listed on the title, then the Wisconsin title will have a notation "This vehicle may be subject to an undisclosed security interest." If, after 4 months, nobody has notified DOT that they have a security interest, then DOT will issue a clear title. This provision remains from many years ago, when many states did not require liens to be listed on vehicle titles. Now, all states require liens to be listed on titles, and this provision is no longer needed. The provision should be repealed.
- ↘ (2) S.342.13, relating to lost, stolen, or mutilated titles, requires specific wording to be printed on a replacement title indicating that it is a replacement title. The wording is unnecessarily long. As federal rules will require an increased number of title notations to be printed, long wording will interfere with our ability to print those notations. This provision should be amended to require that wording as determined by DOT be printed on the replacement title to indicate it is a replacement title – without statutorily specifying the exact wording.
- ↘ (3) S.341.14(6m) allows a special "Wisconsin National Guard" plate to be issued for an automobile or light truck. This was the first special plate established in law. Since then, other special plates have been authorized for not only automobile and light truck, but also light motor truck, dual purpose motor home or dual purpose farm truck, and also light farm truck. By policy, DMV has issued National Guard plates to all other eligible registration types. This provision should be amended to add all other eligible registration types,



making it exactly parallel with all other special plates.

- 1 (4) S.342.08 requires DOT to check stolen vehicle listings before titling a vehicle upon transfer of ownership. Current wording specifies that DOT check the listings in the department of justice. This provision was created several years ago. Since that time, federal law requires DMV to check stolen records through another look-up, the National Motor Vehicle Title Information System (MNVTIS). To avoid confusion, S.342.08 should be amended to eliminate the reference to the department of justice. DOT will still be required to check stolen vehicle records; only the specific method will be eliminated.

#### LEGISLATIVE BACKGROUND

The suggested changes are all technical and non-controversial. No opposition is anticipated.

**Gary, Aaron**

---

**From:** Frazier, Carson  
**Sent:** Monday, October 20, 2003 9:32 AM  
**To:** Gary, Aaron  
**Cc:** Nilsen, Paul  
**Subject:** RE: Remedial Legislation - Drafting Request

all as one, I think.

-----Original Message-----

**From:** Gary, Aaron  
**Sent:** Monday, October 20, 2003 9:15 AM  
**Cc:** Nilsen, Paul; Frazier, Carson  
**Subject:** RE: Remedial Legislation - Drafting Request

I forgot to ask: do you want these 4 items drafted as one bill, or do you want 4 separate bills? Thanks. Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

**From:** Buckmaster, Carol  
**Sent:** Thursday, October 16, 2003 2:46 PM  
**To:** Gary, Aaron  
**Cc:** Nilsen, Paul; Frazier, Carson  
**Subject:** Remedial Legislation - Drafting Request

Gary, Aaron

---

From: Frazier, Carson  
Sent: Friday, October 31, 2003 10:17 AM  
To: Gary, Aaron  
Cc: Nilsen, Paul; Bernander, Paul; Howard, Tracy - DMV; Schmelzer, Janet; Brummond, Scott; Imhoff, Chery; Niva, Gregory  
Subject: RE: Remedial Legislation - Drafting Request

Hello Aaron.

Program staff says we do not need to keep reference to distinctive titles, so we can get rid of 342.12(2)(b) entirely.

-----Original Message-----

From: Gary, Aaron  
Sent: Friday, October 31, 2003 9:23 AM  
Cc: Nilsen, Paul; Frazier, Carson  
Subject: RE: Remedial Legislation - Drafting Request

Paul,

I'm sorry I couldn't get to this earlier, but I have been swamped with urgent drafting. I did check right away to see if it had been drafted and, though I can't say why, it actually hasn't been drafted. I'm hoping to get this drafted and into editing today, though the phone is starting to ring already for next week's floor period. Anyway, I already have a question on item 1. of the request, and there may be more to follow:

Item 1. basically involves repeal of s. 342.10 (4) because it is not needed. I am unable to decipher whehter s. 342.12 (2) (b) has a broader application than vehicles previously registered out of state. Despite its reference to s. 342.10 (4), it is unclear to me whether DOT uses the provision as authorization to issue a distinctive certificate in any situation where there is a question as to title but DOT does not want to withhold issuance under s. 342.12 (4) (a), or only where the question of title involves vehicles previously registered out-of-state. That is, do you want to repeal s. 342.12 (4) (b) and combine s. 342.12 (4) (intro.) and (a), or do you want s. 342.12 (4) (b) amended to recognize application beyond situations described in s. 342.10 (4)? If it is the former, are there other situations where a "distinctive certificate of title" is issued, or do we need to get rid of this reference throughout?

Thanks for your help. I'll get back to you if I have questions on other items in the request. Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Buckmaster, Carol  
Sent: Thursday, October 16, 2003 2:46 PM  
To: Gary, Aaron  
Cc: Nilsen, Paul; Frazier, Carson  
Subject: Remedial Legislation - Drafting Request

Soon  
turned  
in 11/3

WJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

GEN

- ① AN ACT ...; relating to: issuance of motor vehicle certificates of title and special  
2 distinguishing registration plates that identify the bearer as a member of the  
3 national guard.

*Analysis by the Legislative Reference Bureau*

Under current law, the Department of Transportation (DOT) generally issues and delivers a certificate of title to the owner of a vehicle upon receipt of an application and the fee required for titling the vehicle, but must refuse issuance of a certificate of title if, among other things, DOT has reasonable grounds to believe the person alleged to be the owner of the vehicle is not the owner. If DOT is not satisfied as to the ownership of the vehicle, DOT may withhold issuance of the certificate of title until the applicant presents documents reasonably sufficient to satisfy DOT as to the applicant's ownership of the vehicle or, under specified circumstances, DOT may issue a distinctive certificate of title. With certain exceptions, DOT must issue a distinctive certificate of title, inscribed with a specified legend, for a vehicle that was last registered in another state if the law of that state does not require secured parties to be identified on the vehicle certificate of title in order to have a perfected security interest. If DOT does not receive notice within four months of a security interest in the vehicle, DOT must, upon application and surrender of the distinctive certificate of title, issue a certificate of title in ordinary form.

This bill repeals these special requirements related to issuance of certificates of title to vehicles last registered in another state. Under the bill, such vehicles would be subject to the same provisions as other vehicles relating to issuance of certificates of title, and DOT would no longer issue distinctive certificates of title.

Under current law, if a vehicle certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible, the vehicle owner must make application to DOT for a replacement certificate of title and furnish relevant information satisfactory to DOT. DOT may then issue a replacement certificate of title, which must bear this notice: "This is a replacement certificate and may be subject to the rights of a person under the original certificate." This bill allows DOT to determine the precise wording of the notice on a replacement certificate of title.

Under current law, DOT must check an application for a certificate of title against the records of stolen vehicles in the Department of Justice (DOJ) before issuing a certificate of title for a vehicle last previously registered in another jurisdiction or upon receiving an application for a certificate of title showing a transfer of ownership of a vehicle. This bill eliminates the reference to ~~the~~ DOJ, thereby allowing DOT to check the records of stolen vehicles through the most appropriate or cost-efficient database.

Under current law, members of authorized special groups may obtain special distinguishing registration plates for most motor vehicles that are owned or leased by members of these groups. Authorized special groups include active members and veterans of the U.S. army, navy, air force, coast guard, and marine corps. Members of these groups may obtain special distinguishing registration plates for automobiles, light trucks, motor homes, light farm trucks, light dual purpose motor homes, and light dual purpose farm trucks.

Also under current law, an active or retired member of the national guard may obtain for his or her automobile or light truck special distinguishing registration plates that identify the bearer as a Wisconsin guard member.

This bill allows a member of the national guard to also obtain special distinguishing "Wisconsin guard member" registration plates for a motor home, light farm truck, light dual purpose motor home, or light dual purpose farm truck.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 1           SECTION 1. 341.13 (2) of the statutes is amended to read:
- 2           341.13 (2) In addition to the matter specified in s. 341.12 (3), the registration
- 3           plates for a vehicle registered on the basis of gross weight except ~~a motor truck~~
- 4           ~~registered under s. 341.14 (6m) or 341.145 (1) (b)~~, a dual purpose motor home, or a
- 5           motor home, motor truck, farm truck, or dual purpose farm truck registered under
- 6           s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), (6m), or (6r) or 341.145 (1) (a), (b), (c), (d)

1 or (e) or a motor truck or dual purpose farm truck registered under s. 341.14 (6) shall  
2 indicate the weight class into which the vehicle falls in a manner prescribed by the  
3 department. The gross weight which determines the registration fee for ~~a motor~~  
4 ~~truck registered under s. 341.14 (6m) or 341.145 (1) (b),~~ a dual purpose motor home,  
5 or a motor home, motor truck, farm truck<sup>2</sup> or dual purpose farm truck registered  
6 under s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), (6m), or (6r) or 341.145 (1) (a), (b),  
7 (c), (d)<sup>2</sup> or (e) or a motor truck or dual purpose farm truck registered under s. 341.14  
8 (6) shall be shown on its certificate of registration.

9 SECTION 2. 341.14 (6m) (a)<sup>1</sup> of the statutes is amended to read:

10 341.14 (6m) (a) Upon application to register an automobile or <sup>a</sup>motor home<sup>STET</sup> ~~or~~  
11 <sup>STET</sup> ~~a~~ motor truck, dual purpose motor home, or dual purpose farm truck which has a  
12 gross weight of not more than 8,000 pounds, <sup>STET</sup> ~~or a farm truck which has a gross weight~~  
13 of not more than 12,000 pounds, by any person who is a resident of this state and a  
14 member or retired member of the national guard, the department shall issue to the  
15 person special plates whose colors and design shall be determined by the department  
16 and which have the words "Wisconsin guard member" placed on the plates in the  
17 manner designated by the department. The department shall consult with or obtain  
18 the approval of the adjutant general with respect to any word or symbol used to  
19 identify the national guard. An additional fee of \$15 shall be charged for the issuance  
20 or reissuance of the plates. Registration plates issued under this subsection shall  
21 expire annually.

22 SECTION 3. 341.145 (1) (b)<sup>1</sup> of the statutes is amended to read:

23 341.145 (1) (b) A registration plate of the same color and design as provided in  
24 s. 341.14 (6m) for ~~an owned automobile or motor truck having a gross weight of not~~  
25 more than 8,000 pounds a vehicle specified under s. 341.14 (6m)<sup>1</sup>, which displays a

1 registration number composed of letters or numbers, or both, not exceeding 7  
2 positions and not less than one position, requested by the applicant.

3 SECTION 4. 342.08 (intro.)<sup>✓</sup> of the statutes is amended to read:

4 342.08 Department to examine records. (intro.) The department shall  
5 check the application for a certificate of title against the records of stolen vehicles in  
6 the department of justice:

7 SECTION 5. 342.10 (4)<sup>✓</sup> of the statutes is repealed.

8 SECTION 6. 342.12 (2) (intro.)<sup>and (a)</sup> of the statutes <sup>are</sup> ~~is~~ consolidated, renumbered

9 342.12 (2) and amended to read:

10 342.12 (2) If the department is not satisfied as to the ownership of the vehicle  
11 or that there are no undisclosed security interests in it, the department, subject to  
12 sub. (3), shall either: ~~Withhold~~ withhold issuance of a certificate of title until the  
13 applicant presents documents reasonably sufficient to satisfy the department as to  
14 the applicant's ownership of the vehicle and that there are no undisclosed security  
15 interests in it; or,

16 SECTION 7. 342.12 (2) (b)<sup>✓</sup> of the statutes is repealed.

17 SECTION 8. 342.12 (3) (intro.)<sup>✓</sup> and (b)<sup>✓</sup> of the statutes are amended to read:

18 342.12 (3) (intro.) Notwithstanding sub. (2), the department may issue a  
19 nondistinctive certificate of title if the applicant fulfills either of the following  
20 requirements:

21 (b) The applicant has filed with the department a bond in the form prescribed  
22 by the department and executed by the applicant, and either accompanied by the  
23 deposit of cash with the department or ~~also~~ executed by a person authorized to  
24 conduct a surety business in this state. The bond shall be in an amount equal to one  
25 and one-half times the value of the vehicle as determined by the department and

Please  
Fix  
Comp.

1 conditioned to indemnify any prior owner and secured party and any subsequent  
2 purchaser of the vehicle or person acquiring any security interest in it, and their  
3 respective successors in interest, against any expense, loss or damage, including  
4 reasonable attorney fees, by reason of the issuance of the certificate of title for the  
5 vehicle or on account of any defect in or undisclosed security interest upon the right,  
6 title and interest of the applicant in and to the vehicle. Any such interested person  
7 has a right of action to recover on the bond for any breach of its conditions, but the  
8 aggregate liability of the surety to all persons shall not exceed the amount of the  
9 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5  
10 years or prior thereto if, apart from this section, a ~~non~~distinctive certificate of title  
11 could then be issued for the vehicle, or if the vehicle is no longer registered in this  
12 state and the currently valid certificate of title is surrendered to the department,  
13 unless the department has been notified of the pendency of an action to recover on  
14 the bond.

15 SECTION 9. 342.13 (1) <sup>✓</sup> of the statutes is amended to read:

16 342.13 (1) If a certificate of title is lost, stolen, mutilated, or destroyed, or  
17 becomes illegible, the owner or legal representative of the owner named in the  
18 certificate, as shown by the records of the department, shall promptly make  
19 application for and may obtain a replacement upon furnishing information  
20 satisfactory to the department. The replacement certificate of title shall contain the  
21 legend "This is a notation, in a form determined by the department, identifying the  
22 certificate as a replacement certificate and that may be subject to the rights of a  
23 person under the original certificate". If applicable under s. 346.65 (6), the  
24 replacement certificate of title shall include the notation "Per section 346.65 (6) of



1 the Wisconsin statutes, ownership of this motor vehicle may not be transferred  
2 without prior court approval".

3 (END)

D - Note ✓

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3520/P1dn

ARG:.....

Wlj

ATTN: Paul Nilsen

In amending the provisions of ss. 342.10 and 342.12, I notice that vestigial identical language appears in s. 101.9219 relating to titling manufactured homes. The same is true with respect to the amendment of s. 342.13 (1) and provisions related to certificates of title for boats (s. 30.54 (1)) and manufactured homes (s. 101.9207 (1)).

- \* You may wish to advise the Departments of Commerce and Natural Resources of these changes to ch. 342.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3520/P1dn  
ARG:wlj:rs

November 17, 2003

ATTN: Paul Nilsen

In amending the provisions of ss. 342.10 and 342.12, I notice that vestigial identical language appears in s. 101.9219 relating to titling manufactured homes. The same is true with respect to the amendment of s. 342.13 (1) and provisions related to certificates of title for boats (s. 30.54 (1)) and manufactured homes (s. 101.9207 (1)). You may wish to advise the departments of Commerce and Natural Resources of these changes to ch. 342.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3520/PT

ARG:wlj:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

REGEN

1 AN ACT to repeal 342.10 (4) and 342.12 (2) (b); to consolidate, renumber and  
2 amend 342.12 (2) (intro.) and (a); and to amend 341.13 (2), 341.14 (6m) (a),  
3 341.145 (1) (b), 342.08 (intro.), 342.12 (3) (intro.) and (b) and 342.13 (1) of the  
4 statutes; relating to: issuance of motor vehicle certificates of title and special  
5 distinguishing registration plates that identify the bearer as a member of the  
6 national guard.

---

*Analysis by the Legislative Reference Bureau*

Under current law, the Department of Transportation (DOT) generally issues and delivers a certificate of title to the owner of a vehicle upon receipt of an application and the fee required for titling the vehicle, but must refuse issuance of a certificate of title if, among other things, DOT has reasonable grounds to believe the person alleged to be the owner of the vehicle is not the owner. If DOT is not satisfied as to the ownership of the vehicle, DOT may withhold issuance of the certificate of title until the applicant presents documents reasonably sufficient to satisfy DOT as to the applicant's ownership of the vehicle or, under specified circumstances, DOT may issue a distinctive certificate of title. With certain exceptions, DOT must issue a distinctive certificate of title, inscribed with a specified legend, for a vehicle that was last registered in another state if the law of that state does not require secured parties to be identified on the vehicle certificate of title to have a perfected security interest. If DOT does not receive notice within four months

of a security interest in the vehicle, DOT must, upon application and surrender of the distinctive certificate of title, issue a certificate of title in ordinary form.

This bill repeals these special requirements related to issuance of certificates of title to vehicles last registered in another state. Under the bill, such vehicles would be subject to the same provisions as other vehicles relating to issuance of certificates of title, and DOT would no longer issue distinctive certificates of title.

Under current law, if a vehicle certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible, the vehicle owner must make application to DOT for a replacement certificate of title and furnish relevant information satisfactory to DOT. DOT may then issue a replacement certificate of title, which must bear this notice: "This is a replacement certificate and may be subject to the rights of a person under the original certificate." This bill allows DOT to determine the precise wording of the notice on a replacement certificate of title.

Under current law, DOT must check an application for a certificate of title against the records of stolen vehicles in the Department of Justice (DOJ) before issuing a certificate of title for a vehicle last registered in another jurisdiction or upon receiving an application for a certificate of title showing a transfer of ownership of a vehicle. This bill eliminates the reference to DOJ, thereby allowing DOT to check the records of stolen vehicles through the most appropriate or cost-efficient database.

Under current law, members of authorized special groups may obtain special distinguishing registration plates for most motor vehicles that are owned or leased by members of these groups. Authorized special groups include active members and veterans of the U.S. army, navy, air force, coast guard, and marine corps. Members of these groups may obtain special distinguishing registration plates for automobiles, light trucks, motor homes, light farm trucks, light dual purpose motor homes, and light dual purpose farm trucks.

Also under current law, an active or retired member of the national guard may obtain for his or her automobile or light truck special distinguishing registration plates that identify the bearer as a Wisconsin guard member.

This bill allows a member of the national guard to obtain special distinguishing "Wisconsin guard member" registration plates for a motor home, light farm truck, light dual purpose motor home, or light dual purpose farm truck.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 1       SECTION 1. 341.13 (2) of the statutes is amended to read:
- 2       341.13 (2) In addition to the matter specified in s. 341.12 (3), the registration
- 3       plates for a vehicle registered on the basis of gross weight except a ~~motor truck~~

1 ~~registered under s. 341.14 (6m) or 341.145 (1) (b),~~ a dual purpose motor home, or a  
2 motor home, motor truck, farm truck, or dual purpose farm truck registered under  
3 s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), (6m), or (6r) or 341.145 (1) (a), (b), (c), (d),  
4 or (e) or a motor truck or dual purpose farm truck registered under s. 341.14 (6) shall  
5 indicate the weight class into which the vehicle falls in a manner prescribed by the  
6 department. The gross weight which determines the registration fee for ~~a motor~~  
7 ~~truck registered under s. 341.14 (6m) or 341.145 (1) (b),~~ a dual purpose motor home,  
8 or a motor home, motor truck, farm truck, or dual purpose farm truck registered  
9 under s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), (6m), or (6r) or 341.145 (1) (a), (b),  
10 (c), (d), or (e) or a motor truck or dual purpose farm truck registered under s. 341.14  
11 (6) shall be shown on its certificate of registration.

12 SECTION 2. 341.14 (6m) (a) of the statutes is amended to read:

13 341.14 (6m) (a) Upon application to register an automobile or a motor home,  
14 or a motor truck, dual purpose motor home, or dual purpose farm truck which has  
15 a gross weight of not more than 8,000 pounds, or a farm truck which has a gross  
16 weight of not more than 12,000 pounds, by any person who is a resident of this state  
17 and a member or retired member of the national guard, the department shall issue  
18 to the person special plates whose colors and design shall be determined by the  
19 department and which have the words "Wisconsin guard member" placed on the  
20 plates in the manner designated by the department. The department shall consult  
21 with or obtain the approval of the adjutant general with respect to any word or  
22 symbol used to identify the national guard. An additional fee of \$15 shall be charged  
23 for the issuance or reissuance of the plates. Registration plates issued under this  
24 subsection shall expire annually.

25 SECTION 3. 341.145 (1) (b) of the statutes is amended to read:

1           341.145 (1) (b) A registration plate of the same color and design as provided in  
2           s. 341.14 (6m) for ~~an owned automobile or motor truck having a gross weight of not~~  
3           ~~more than 8,000 pounds~~ a vehicle specified under s. 341.14 (6m), which displays a  
4           registration number composed of letters or numbers, or both, not exceeding 7  
5           positions and not less than one position, requested by the applicant.

6           **SECTION 4.** 342.08 (intro.) of the statutes is amended to read:

7           **342.08 Department to examine records.** (intro.) The department shall  
8           check the application for a certificate of title against the records of stolen vehicles in  
9           ~~the department of justice:~~

10          **SECTION 5.** 342.10 (4) of the statutes is repealed.

11          **SECTION 6.** 342.12 (2) (intro.) and (a) of the statutes are consolidated,  
12          renumbered 342.12 (2) and amended to read:

13          342.12 (2) If the department is not satisfied as to the ownership of the vehicle  
14          or that there are no undisclosed security interests in it, the department, subject to  
15          sub. (3), shall ~~either: Withhold~~ withhold issuance of a certificate of title until the  
16          applicant presents documents reasonably sufficient to satisfy the department as to  
17          the applicant's ownership of the vehicle and that there are no undisclosed security  
18          interests in it; ~~or.~~

19          **SECTION 7.** 342.12 (2) (b) of the statutes is repealed.

20          **SECTION 8.** 342.12 (3) (intro.) and (b) of the statutes are amended to read:

21          342.12 (3) (intro.) Notwithstanding sub. (2), the department may issue a  
22          ~~nondistinctive~~ certificate of title if the applicant fulfills either of the following  
23          requirements:

24          (b) The applicant has filed with the department a bond in the form prescribed  
25          by the department and executed by the applicant, and either accompanied by the

1 deposit of cash with the department or also executed by a person authorized to  
2 conduct a surety business in this state. The bond shall be in an amount equal to one  
3 and one-half times the value of the vehicle as determined by the department and  
4 conditioned to indemnify any prior owner and secured party and any subsequent  
5 purchaser of the vehicle or person acquiring any security interest in it, and their  
6 respective successors in interest, against any expense, loss or damage, including  
7 reasonable attorney fees, by reason of the issuance of the certificate of title for the  
8 vehicle or on account of any defect in or undisclosed security interest upon the right,  
9 title and interest of the applicant in and to the vehicle. Any such interested person  
10 has a right of action to recover on the bond for any breach of its conditions, but the  
11 aggregate liability of the surety to all persons shall not exceed the amount of the  
12 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5  
13 years or prior thereto if, apart from this section, a ~~non~~ distinctive certificate of title  
14 could then be issued for the vehicle, or if the vehicle is no longer registered in this  
15 state and the currently valid certificate of title is surrendered to the department,  
16 unless the department has been notified of the pendency of an action to recover on  
17 the bond.

18 SECTION 9. 342.13 (1) of the statutes is amended to read:

19 342.13 (1) If a certificate of title is lost, stolen, mutilated, or destroyed, or  
20 becomes illegible, the owner or legal representative of the owner named in the  
21 certificate, as shown by the records of the department, shall promptly make  
22 application for and may obtain a replacement upon furnishing information  
23 satisfactory to the department. The replacement certificate of title shall contain the  
24 legend "This is a notation, in a form determined by the department, identifying the  
25 certificate as a replacement certificate and that may be subject to the rights of a



1 person under the original certificate<sup>2</sup>. If applicable under s. 346.65 (6), the  
2 replacement certificate of title shall include the notation "Per section 346.65 (6) of  
3 the Wisconsin statutes, ownership of this motor vehicle may not be transferred  
4 without prior court approval".

5

(END)

## 2003 ASSEMBLY BILL

relating to: issuance of motor vehicle certificates of title and special distinguishing registration plates that identify the bearer as a member of the national guard.

(CONTINUE HERE FOR ADDITIONAL SENATORS)

Destroyed  
per  
FIS  
1-7-04



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3520/1

ARG:wlj:jf

## 2003 BILL

1     **AN ACT** *to repeal* 342.10 (4) and 342.12 (2) (b); *to consolidate, renumber and*  
2         *amend* 342.12 (2) (intro.) and (a); and *to amend* 341.13 (2), 341.14 (6m) (a),  
3         341.145 (1) (b), 342.08 (intro.), 342.12 (3) (intro.) and (b) and 342.13 (1) of the  
4         statutes; **relating to:** issuance of motor vehicle certificates of title and special  
5         distinguishing registration plates that identify the bearer as a member of the  
6         national guard.

---

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Transportation (DOT) generally issues and delivers a certificate of title to the owner of a vehicle upon receipt of an application and the fee required for titling the vehicle, but must refuse issuance of a certificate of title if, among other things, DOT has reasonable grounds to believe the person alleged to be the owner of the vehicle is not the owner. If DOT is not satisfied as to the ownership of the vehicle, DOT may withhold issuance of the certificate of title until the applicant presents documents reasonably sufficient to satisfy DOT as to the applicant's ownership of the vehicle or, under specified circumstances, DOT may issue a distinctive certificate of title. With certain exceptions, DOT must issue a distinctive certificate of title, inscribed with a specified legend, for a vehicle that was last registered in another state if the law of that state does not require secured parties to be identified on the vehicle certificate of title to have a perfected security interest. If DOT does not receive notice within four months

**BILL**

of a security interest in the vehicle, DOT must, upon application and surrender of the distinctive certificate of title, issue a certificate of title in ordinary form.

This bill repeals these special requirements related to issuance of certificates of title to vehicles last registered in another state. Under the bill, such vehicles would be subject to the same provisions as other vehicles relating to issuance of certificates of title, and DOT would no longer issue distinctive certificates of title.

Under current law, if a vehicle certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible, the vehicle owner must make application to DOT for a replacement certificate of title and furnish relevant information satisfactory to DOT. DOT may then issue a replacement certificate of title, which must bear this notice: "This is a replacement certificate and may be subject to the rights of a person under the original certificate." This bill allows DOT to determine the precise wording of the notice on a replacement certificate of title.

Under current law, DOT must check an application for a certificate of title against the records of stolen vehicles in the Department of Justice (DOJ) before issuing a certificate of title for a vehicle last registered in another jurisdiction or upon receiving an application for a certificate of title showing a transfer of ownership of a vehicle. This bill eliminates the reference to DOJ, thereby allowing DOT to check the records of stolen vehicles through the most appropriate or cost-efficient database.

Under current law, members of authorized special groups may obtain special distinguishing registration plates for most motor vehicles that are owned or leased by members of these groups. Authorized special groups include active members and veterans of the U.S. army, navy, air force, coast guard, and marine corps. Members of these groups may obtain special distinguishing registration plates for automobiles, light trucks, motor homes, light farm trucks, light dual purpose motor homes, and light dual purpose farm trucks.

Also under current law, an active or retired member of the national guard may obtain for his or her automobile or light truck special distinguishing registration plates that identify the bearer as a Wisconsin guard member.

This bill allows a member of the national guard to obtain special distinguishing "Wisconsin guard member" registration plates for a motor home, light farm truck, light dual purpose motor home, or light dual purpose farm truck.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 341.13 (2) of the statutes is amended to read:
- 2           341.13 (2) In addition to the matter specified in s. 341.12 (3), the registration
- 3           plates for a vehicle registered on the basis of gross weight except a ~~motor truck~~

**BILL**

1     ~~registered under s. 341.14 (6m) or 341.145 (1) (b),~~ a dual purpose motor home, or a  
2     motor home, motor truck, farm truck, or dual purpose farm truck registered under  
3     s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), (6m), or (6r) or 341.145 (1) (a), (b), (c), (d),  
4     or (e) or a motor truck or dual purpose farm truck registered under s. 341.14 (6) shall  
5     indicate the weight class into which the vehicle falls in a manner prescribed by the  
6     department. The gross weight which determines the registration fee for ~~a motor~~  
7     ~~truck registered under s. 341.14 (6m) or 341.145 (1) (b),~~ a dual purpose motor home,  
8     or a motor home, motor truck, farm truck, or dual purpose farm truck registered  
9     under s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), (6m), or (6r) or 341.145 (1) (a), (b),  
10    (c), (d), or (e) or a motor truck or dual purpose farm truck registered under s. 341.14  
11    (6) shall be shown on its certificate of registration.

12           **SECTION 2.** 341.14 (6m) (a) of the statutes is amended to read:

13           341.14 (6m) (a) Upon application to register an automobile or a motor home,  
14    or a motor truck, dual purpose motor home, or dual purpose farm truck which has  
15    a gross weight of not more than 8,000 pounds, or a farm truck which has a gross  
16    weight of not more than 12,000 pounds, by any person who is a resident of this state  
17    and a member or retired member of the national guard, the department shall issue  
18    to the person special plates whose colors and design shall be determined by the  
19    department and which have the words "Wisconsin guard member" placed on the  
20    plates in the manner designated by the department. The department shall consult  
21    with or obtain the approval of the adjutant general with respect to any word or  
22    symbol used to identify the national guard. An additional fee of \$15 shall be charged  
23    for the issuance or reissuance of the plates. Registration plates issued under this  
24    subsection shall expire annually.

25           **SECTION 3.** 341.145 (1) (b) of the statutes is amended to read:

**BILL**

1           341.145 (1) (b) A registration plate of the same color and design as provided in  
2           s. 341.14 (6m) for ~~an owned automobile or motor truck having a gross weight of not~~  
3           ~~more than 8,000 pounds~~ a vehicle specified under s. 341.14 (6m), which displays a  
4           registration number composed of letters or numbers, or both, not exceeding 7  
5           positions and not less than one position, requested by the applicant.

6           **SECTION 4.** 342.08 (intro.) of the statutes is amended to read:

7           **342.08 Department to examine records.** (intro.) The department shall  
8           check the application for a certificate of title against the records of stolen vehicles in  
9           the department of justice:

10          **SECTION 5.** 342.10 (4) of the statutes is repealed.

11          **SECTION 6.** 342.12 (2) (intro.) and (a) of the statutes are consolidated,  
12          renumbered 342.12 (2) and amended to read:

13          342.12 (2) If the department is not satisfied as to the ownership of the vehicle  
14          or that there are no undisclosed security interests in it, the department, subject to  
15          sub. (3), shall ~~either: Withhold~~ withhold issuance of a certificate of title until the  
16          applicant presents documents reasonably sufficient to satisfy the department as to  
17          the applicant's ownership of the vehicle and that there are no undisclosed security  
18          interests in it; ~~or,~~

19          **SECTION 7.** 342.12 (2) (b) of the statutes is repealed.

20          **SECTION 8.** 342.12 (3) (intro.) and (b) of the statutes are amended to read:

21          342.12 (3) (intro.) Notwithstanding sub. (2), the department may issue a  
22          ~~nondistinctive~~ certificate of title if the applicant fulfills either of the following  
23          requirements:

24          (b) The applicant has filed with the department a bond in the form prescribed  
25          by the department and executed by the applicant, and either accompanied by the

**BILL**

1 deposit of cash with the department or also executed by a person authorized to  
2 conduct a surety business in this state. The bond shall be in an amount equal to one  
3 and one-half times the value of the vehicle as determined by the department and  
4 conditioned to indemnify any prior owner and secured party and any subsequent  
5 purchaser of the vehicle or person acquiring any security interest in it, and their  
6 respective successors in interest, against any expense, loss or damage, including  
7 reasonable attorney fees, by reason of the issuance of the certificate of title for the  
8 vehicle or on account of any defect in or undisclosed security interest upon the right,  
9 title and interest of the applicant in and to the vehicle. Any such interested person  
10 has a right of action to recover on the bond for any breach of its conditions, but the  
11 aggregate liability of the surety to all persons shall not exceed the amount of the  
12 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5  
13 years or prior thereto if, apart from this section, a ~~non~~distinctive certificate of title  
14 could then be issued for the vehicle, or if the vehicle is no longer registered in this  
15 state and the currently valid certificate of title is surrendered to the department,  
16 unless the department has been notified of the pendency of an action to recover on  
17 the bond.

18 **SECTION 9.** 342.13 (1) of the statutes is amended to read:

19 342.13 (1) If a certificate of title is lost, stolen, mutilated, or destroyed, or  
20 becomes illegible, the owner or legal representative of the owner named in the  
21 certificate, as shown by the records of the department, shall promptly make  
22 application for and may obtain a replacement upon furnishing information  
23 satisfactory to the department. The replacement certificate of title shall contain the  
24 legend "This is a notation, in a form determined by the department, identifying the  
25 certificate as a replacement certificate and that may be subject to the rights of a

**BILL**

1 person under the original certificate". If applicable under s. 346.65 (6), the  
2 replacement certificate of title shall include the notation "Per section 346.65 (6) of  
3 the Wisconsin statutes, ownership of this motor vehicle may not be transferred  
4 without prior court approval".

5 (END)